

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|-------------------------------|---|----------------------|
| MICHAEL J. O'CONNELL, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | No. 4:06-CV-0498 CEJ |
| |) | |
| PRECISION MECHANICAL, INC., |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on plaintiffs' motion for default judgment against defendants Precision Mechanical, Inc., Robert Blackburn, and Sheryl Blackburn. On July 5, 2006, the Clerk of Court, upon motion of the plaintiffs, entered default against defendants pursuant to Fed. R. Civ. P. 55(a).

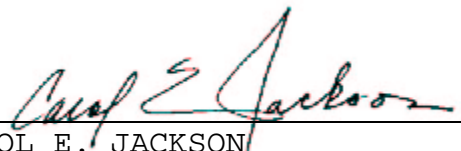
Plaintiffs bring this action pursuant to the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§ 1001 et seq., and the Labor Relations Management Act (LMRA), 29 U.S.C. §§ 141 et seq. Plaintiffs are the trustees of three employee benefit plans (the funds) and the Plumbers and Pipefitters Local 562 (the Union). Defendant Precision Mechanical, Inc. is an administratively dissolved Missouri corporation, and Robert and Sheryl Blackburn are directors or officers of the corporation.

Plaintiffs state that the defendants are party to a collective bargaining agreement with the Union. However, the agreement submitted by the plaintiffs shows that it was executed by the Union, the Mechanical Contractors Association of Eastern Missouri,

Inc., and the Plumbing Industry Council. The agreement "is applicable to both those Employers who are members of said Associations and who execute this agreement and other Employers who are not Association members but who, nevertheless, execute this agreement." Ex. 1 at 3. The evidence reflects neither execution by Precision Mechanical, Inc. nor an indication that the corporation was a member of the trade associations bound by the collective bargaining agreement. Consequently, plaintiffs have not demonstrated that the defendants were bound by the collective bargaining agreement.

Accordingly,

IT IS HEREBY ORDERED that the plaintiff's motion [#7] for default judgment is **denied**.


CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 21st day of July, 2006.